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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,617	12/22/2000	Daniel P. Starkovich	RA 5342 (33012/303/101)	4591

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EXAMINER

NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,617

Applicant(s)

STARKOVICH ET AL.

Examiner

George C. Neurauter, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claims 1-20 are currently presented and have been examined.

Response to Arguments

Applicant's arguments filed 24 January 2005 have been fully considered but they are not persuasive.

The Applicant argues that Leaf does not teach a gateway that does not use a view buffer. The Examiner is treating the limitation "without the use of a view buffer" as a negative limitation as required by MPEP 2173.05(i). MPEP 2173.05(i) also discloses that "Any negative limitation or exclusionary proviso must have basis in the original disclosure." (Examiner's emphasis added). In view of the specification, the Examiner is unable to find sufficient basis within the disclosure that teaches or suggests the claim limitation. The specification does not have a sufficient disclosure of a buffer and how the exclusion of such a buffer is advantageous. Furthermore, the response filed 24 January 2005 does not specifically show the Examiner the support for the limitation within the disclosure. The Applicant must show where within the specification an adequate basis for such a limitation exists. Therefore, based on the recitations of the claim, the limitation is given little patentable weight.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5 754 772 A to Leaf.

Regarding claim 1, Leaf discloses in a data processing system having a user terminal for entering a transaction request responsively coupled via a publicly available digital communication network to an enterprise server for responding to said transaction request, the improvement comprising:

a. A first gateway ("CGI program") interposed between said user terminal ("Web browser") and said enterprise server ("database engine") which converts said service request to a format suitable for response by said enterprise server without the use of a view buffer. (column 1, lines 25-27 and 57-67)

Regarding claim 2, Leaf discloses the improvement according to claim 1, further comprising a second gateway ("instance of transaction gateway client") interposed between said user terminal and said enterprise server wherein said second gateway converts said service request to a format suitable for response

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by said enterprise server through the use of a view buffer.

(column 2, lines 48-60; column 7, lines 7-35)

Regarding claim 3, Leaf discloses the improvement according to claim 2, wherein said publicly available digital communication network further comprises the Internet. (column 4, lines 10-16)

Regarding claim 4, Leaf discloses the improvement according to claim 3 further comprising an NT server housing said first gateway and providing a WebTx environment. (column 5, lines 37-45; column 6, lines 27-48)

Regarding claim 5, Leaf discloses the improvement according to claim 3 wherein said user terminal further comprises an industry compatible personal computer. (column 4, lines 18-24)

Regarding claim 6, Leaf discloses an apparatus comprising:

a. A user terminal which generates a service request in a first format; ("web browser")

b. A publically accessible digital data communication network responsively coupled to said user terminal; ("Internet")

c. An enterprise server which honors said service request in a second format; ("database engine") and

d. A first gateway ("CGI program") within a server responsively coupled to said publicly available digital data communication network and said enterprise server which converts

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said service request from said first format to said second format without the use of a view buffer. (column 1, lines 25-27 and 57-67)

Regarding claim 7, Leaf discloses an apparatus according to claim 6 further comprising:

a. A second gateway ("instance of transaction gateway client") within said server responsively coupled intermediate said publicly available digital data communication network and said enterprise server which converts said service request from said first format to said second format with the use of a view buffer. (column 2, lines 48-60; column 7, lines 7-35)

Regarding claim 8, Leaf discloses an apparatus according to claim 7 wherein said publicly accessible digital communication network further comprises the World Wide Web. (column 4, lines 1-16)

Regarding claim 9, Leaf discloses an apparatus according to claim 7, as assumed above, wherein said server further comprises WebTx middleware. (column 6, lines 27-48)

Regarding claim 10, Leaf discloses an apparatus according to claim 9, as assumed above, wherein said user terminal further comprises an industry compatible personal computer operating under Windows. (column 4, lines 18-24)

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Regarding claim 11, Leaf discloses a method of processing a transaction comprising:

a. composing a service request in a first format; b. transferring said service request via a publicly accessible digital data communication network ("Internet") to a gateway of a server; and c. converting said service request using said gateway into a second format for processing by a legacy data base management system without the use of a view buffer. (column 1, lines 25-27 and 57-67)

Regarding claim 12, Leaf discloses a method according to claim 11 further comprising: a. Transferring said converted service request from said gateway to said legacy data base management system. (column 1, lines 25-27 and 57-67, specifically lines 63-65)

Regarding claim 13, Leaf discloses a method according to claim 12 wherein said publically accessible digital data communication network further comprises the Internet. (column 4, lines 10-16)

Regarding claim 14, Leaf discloses a method according to claim 13 wherein said first format further comprises HTML. (column 1, lines 20-34, specifically lines 25-27)

Regarding claim 16, Leaf discloses an apparatus comprising:

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a. Generating means for generating a service request using a first format; b. Transferring means responsively coupled to said generating means for transferring said service request via a publicly accessible digital data network ("Internet"); c. Converting means responsively coupled to said publicly accessible digital data network for converting said service request to a second format without using a view buffer; and d. Processing means responsively coupled to said converting means for processing said service request in said second format.

(column 1, lines 25-27 and 57-67)

Regarding claim 17, Leaf discloses an apparatus according to claim 16 further comprising transferring means responsively coupled to said processing means for transferring said service request said second format to an end service provider via one of a plurality of connectors. (column 1, lines 25-27 and 57-67, specifically lines 63-65)

Regarding claim 18, Leaf discloses an apparatus according to claim 17 wherein said first format further comprises HTML. (column 1, lines 20-34, specifically lines 25-27)

Regarding claim 19, Leaf discloses an apparatus according to claim 18 wherein said publicly accessible digital data communication network is the Internet. (column 4, lines 10-16)

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Regarding claim 20, Leaf discloses an apparatus according to claim 19 wherein said generating means further comprises an industry compatible personal computer operating under Windows.
(column 4, lines 18-24)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leaf in view of US Patent 6 725 426 B1 to Pavlov.

Regarding claim 15, Leaf discloses a method according to claim 13.

Leaf does not disclose wherein said first format further comprises XML, however, Leaf does disclose wherein said first format further comprises HTML as described above regarding claim 14.

Pavlov discloses that XML is an improvement to HTML based on its flexibility and improved set of capabilities (column 1, lines 30-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Leaf and Pavlov because one of ordinary skill

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would have recognized the advantages that XML has over HTML as taught within Pavlov and been motivated to combine the teachings of the references in order to utilize the more advantageous XML format.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

BEA Systems, Inc. "BEA eLink for Mainframe TCP for IMS 3.0", Topic 5: Programming BEA eLink TCP for IMS, April 1999, 11 pages.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

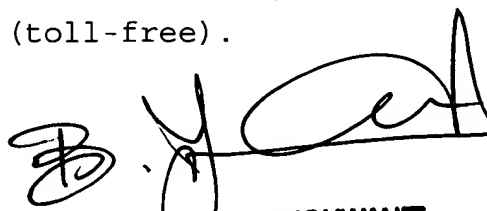
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn



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PRIMARY EXAMINER